

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTONCARLOS LOWE

Plaintiff(s)

vs.

TROY POSATERI

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019 -CP - 10 - 5400Submitted By: E. Culver Kidd, IVAddress: 914 FOIN ROAD, Suite B
CHARLESTON, SC 29412SC Bar #: 76671Telephone #: (843) 642-8792Fax #: (843) 642-8793

Other:

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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199)

- Inmate Petitions**
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

- Special/Complex /Other**
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Sexual Predator (510)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)

- Torts - Professional Malpractice**
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- Previous Notice of Intent Case #
20 -NI-
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

- Administrative Law/Relief**
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

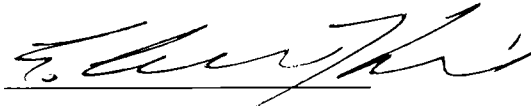
- Torts - Personal Injury**
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☒ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399)

- Judgments/Settlements**
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799)

- Real Property**
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

- Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)

Submitting Party Signature:



Date:

10/21/19

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT:

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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CARLOS LOWE,)
)
Plaintiff,)
)
vs.)
)
TROY PUSATERI,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2019-CP-10- 5400

SUMMONS

FILED
2019 OCT 21 PM 2:22
CLERK OF COURT

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action a copy of which is hereby served upon you, and to serve a copy of your Answer to the said complaint on the subscriber at, 914 Folly Road, Suite B, Charleston, South Carolina, 29412 within thirty (30) day after service thereof, exclusive of the day of such service, and if you fail to appear and defend against the said action then judgment by default will be rendered against you for the relief demanded in the Complaint.

KIDD CORVEY & SIMPSON, LLC


E. Culver Kidd, IV, Esq.
SC Bar No. 76671
914 Folly Road, Suite B
Charleston, SC 29412
culver@kcslawfirm.com
(843) 642-8792

ATTORNEY FOR THE PLAINTIFF

October 18, 2019
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
)
)
CARLOS LOWE,)
Plaintiff,)
)
vs.)
)
TROY PUSATERI,)
Defendant.)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NUMBER: 2019-CP-10-5400

COMPLAINT
ASSAULT & BATTERY

FILED
2019 OCT 21 PM 2:22
CLERK OF COURT

TO THE ABOVE-NAMED DEFENDANT:

The Plaintiff, Carlos Lowe, complaining of the acts and omissions of the above-named Defendant, would show unto this Honorable Court as follows:

1. Plaintiff, Carlos Lowe, at all times mentioned in this complaint was, a resident of Lexington County, South Carolina.
2. Defendant, Troy Pusateri, at all times mentioned in this complaint was, a resident of Charleston County, South Carolina.
3. The facts and circumstances that are the subject matter of this action occurred in Charleston, South Carolina, within the jurisdiction of this Honorable Court.
4. This Court has jurisdiction over both the parties and subject matter of this lawsuit.

STATEMENT OF FACTS

5. On or about January 6, 2019, Plaintiff and Defendant were amongst several people invited to a residence located at 77 Avondale Avenue in Charleston County, South Carolina.

6. Prior to and at the time of the Complained act, the Defendant consumed multiple alcoholic beverages and was grossly intoxicated.

7. In addition to being intoxicated, Defendant was agitated from engaging in an argument with his girlfriend.

8. At the time of the Complained act, Plaintiff and Defendant were conversing in the kitchen area of the home. Plaintiff was attempting to calm down the Defendant. After some time, Plaintiff leaned in to give Defendant a friendly hug.

9. At this time, Defendant, who was intoxicated, intentionally and violently punched Plaintiff with a closed fist. Defendant struck Plaintiff without giving Plaintiff any prior warning.

10. Upon information and belief, Defendant had been trained in hand-to-hand combat by the U.S. Military as part of his training to become a Navy Seal.

11. Based upon Defendant's training, he knew or should have known the damage he could inflict by striking someone in the manner that he did.

12. Due to the impact of Defendant's punch, Plaintiff fell into a table, striking it with the back of his head.

13. Following this attack, Defendant continued to taunt, harass, and strike the Plaintiff, who was now severely injured and unconscious on the floor.

14. The Plaintiff was immediately transported to the Medical University of South Carolina's emergency room by other individuals present at the scene.

FOR A FIRST CAUSE OF ACTION
(Assault)

15. Plaintiff incorporates the allegations of Paragraphs 1 through 14 as if set forth verbatim herein.

16. Defendant's conduct placed Plaintiff in reasonable fear of bodily harm.

17. Following the punch, Defendant continued to harass and threaten Plaintiff, continuously placing Plaintiff in reasonable fear of continued and additional bodily harm.

18. The Plaintiff's injuries were proximately caused by the Defendant's deliberate and unprovoked attack on the Plaintiff.

19. As a direct and proximate result of Defendant's conduct, Plaintiff suffered bodily injury and emotional distress, incurred expenses for medical treatment, and lost income. Plaintiff has endured pain and suffering resulting in the loss of enjoyment of life and the pain and suffering continues to impair Plaintiff.

20. Defendant's behavior was willful, wanton and reckless.

FOR A SECOND CAUSE OF ACTION
(Battery)

21. Plaintiff incorporates the allegations of Paragraphs 1 through 14 as if set forth verbatim herein.

22. Defendant inflicted forcible contact on Plaintiff by punching him.

23. The Plaintiff's injuries were proximately caused by the Defendant's deliberate and unprovoked attack on the Plaintiff.

24. As a direct and proximate result of Defendant's conduct, Plaintiff suffered bodily injury and emotional distress, incurred expenses for medical treatment, and lost income. Plaintiff has endured pain and suffering resulting in the loss of enjoyment of life and the pain and suffering continues to impair Plaintiff.

25. Defendant's behavior was willful, wanton and reckless.

WHEREFORE, Plaintiff is entitled to judgment against the Defendant as follows:

- A. Actual damages to be determined by the jury;
- B. Punitive damages to be determined by the jury;
- C. An award of costs and fees as permitted by law;
- D. Such other and further relief as the Court deems proper.

KIDD CORVEY & SIMPSON, LLC

A handwritten signature in black ink, appearing to read "E. Culver Kidd, IV", is written over a horizontal line.

E. Culver Kidd, IV, Esq.
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ATTORNEY FOR THE PLAINTIFF

Charleston, South Carolina
October 18, 2019